

REMARKS

This paper is submitted in response to the Election of Species Requirement mailed October 18, 2007 for the above-identified application.

Before discussing how this paper responds to the Election of Species Requirement, the Applicants call to the attention of the Examiner charged with review of this application, that they have amended Paragraph 1 of the application so that it accurately sets forth the relationship between the present application and the application from which this application claims immediately past priority. Specifically, the Applicants revise the priority claim to indicate that this application is a "divisional" application of the application from which the priority claim was previously asserted, App. No. 10/036,021.

It is submitted that this change is appropriate because the invention now being claimed, a surgical tool system with two handpieces and a console to which they are simultaneously attached is independent and distinct from that application that is the subject of the '021 Application and the applications from which that application claims priority. Per the *Manual of Patent Examining Procedure*, Sec. 201.06, the Applicants note that if an application is directed to an invention that is "independent and distinct" from the applications from which it depends, it should be considered a divisional application.

The requested modification does not change the application from which this application claims priority.

Therefore, this modification does not require the payment of additional fees to the Office.

On November 14, 2007, the undersigned representative discussed the proposed change with Ms. Merilyn Watts, Head Legal Instruments Examinier for Technology Center 3700. Ms. Watts indicated that, upon the electronic filing of this Response, she would accept a facsimile copy and ensure that the requested change is entered. Accordingly, the undersigned thanks Ms. Watts and the Examiner for their assistance in ensuring that the Patent and Trademark Office makes the appropriate changes to its records to reflect the true nature of this application to the application from which it claims priority.

The election of species requirement issued because it appeared that the claims directed to a system wherein the control unit regulates handpiece power based on voltage or current data appeared distinct from certain of the other claims. The Office Action identified Claim 103 as being one of this particular species.

Accordingly, in view of this election requirement, the Applicants now withdraw Claims 103, 114 and 122 from consideration. These are the claims directed to the species of this invention wherein the energization signal generation is based on voltage or current data.

By withdrawing the above-listed claims, the Applicant respectfully submit they have completed with the election of species requirement.

Certain of the remaining claims have been amended for editorial reasons. No claims have been canceled or added.

Accordingly, it is respectfully requested that this application is now in condition for substantive review.

Respectfully submitted,

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